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TO RUEHC/SECSTATE WASHDC IMMEDIATE 6301
INFO RUEHNH/AMCONSUL NAHA IMMEDIATE 0101
RHHMUNA/CDRUSPACOM HONOLULU HI IMMEDIATE
RUEKJCS/JOINT STAFF WASHINGTON DC IMMEDIATE
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E.O. 12958: N/A
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SUBJECT: MARINE CASE UPDATE 04/30/2007

¶1. (SBU) Following his discharge on April 26 from Asian Hospital and Medical Center in Metro Manila, Lance Corporal Daniel J. Smith returned immediately to his quarters on the Chancery grounds. During his two-day hospitalization, he underwent surgery for a non-life threatening condition. Personnel from the Regional Security Office and III Marine Expeditionary Force remained with him in the hospital. He now appears to be in good condition, albeit in some pain.

¶2. (SBU) Embassy medical personnel had initially admitted Smith under an assumed name at the Makati Medical Center on the afternoon of April 24. Local media learned of Smith's hospitalization, and a gaggle of reporters appeared at the Makati Medical Center. For security reasons, and upon advice of the RSO and MED, the Embassy team moved Smith that night to the Asian Hospital, effectively eluding reporters.

¶3. (SBU) Several stories appeared in the media regarding Smith's whereabouts and medical condition, raising concerns at Post regarding Smith's privacy rights. According to Embassy medical staff, it appears very likely that Smith will require further hospital visits. After discussing in Mission working group, Post intends in future to inform Philippine authorities when Smith has been hospitalized; assure them of continued access upon request; decline to discuss his whereabouts or condition due to Privacy Act concerns; and ask authorities to refrain from comment to the media. If necessary for Smith's security, Mission will call on assistance of police. Post will meet with appropriate Philippine government officials to apprise them of Privacy Act concerns, emphasizing that Smith retains his rights under this act but that he will nonetheless remain effectively in U.S. military custody, under the terms of the Visiting Forces Agreement, even while hospitalized.

¶4. (SBU) Smith's attorney advised III Marine Expeditionary Force officials that he will submit Smith's appellatebrief to the Court of Appeals o/a May 1. Deadlin for submission is May 19.

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